

LORI HARPER SUEK
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
E-Mail: Lori.Suek@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

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| UNITED STATES OF AMERICA, Plaintiff, vs. BRIAN DEE HENDRICKSON, Defendant. | CR 18-35-BLG-DLC OFFER OF PROOF |
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The United States of America, represented by Lori Harper Suek, Assistant United States Attorney for the District of Montana, files its offer of proof.

THE CHARGE

The defendant, Brian Dee Hendrickson, is charged by indictment with conspiracy to possess with the intent to distribute and to distribute methamphetamine in violation of 21 U.S.C. § 846 – count I; distribution of methamphetamine, in violation of 21 U.S.C. § 841(a) – counts II, III, and IV; and possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) – count V.

PLEA AGREEMENT

Hendrickson will plead guilty to count I of the indictment. The plea agreement entered into by the parties and filed with the Court is the only offer extended to Hendrickson. *See Missouri v. Frye*, 566 U.S. 133, 146-147 (2012).

ELEMENTS OF THE CHARGE

In order for Hendrickson to be found guilty of the charge of conspiracy to possess with intent to distribute and distribute methamphetamine as charged in count I of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, during the time period specified in the indictment, there was an agreement between two or more persons to commit at least one crime as charged in the indictment; and

Second, the defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish it.

Although not an element, the United States would also have to prove beyond a reasonable doubt that the conspiracy contemplated the distribution of 50 or more grams of actual methamphetamine, and that amount:

- (1) fell within the scope of defendant's agreement with the coconspirators, or
- (2) was reasonably foreseeable to the defendant.

PENALTY

Count I carries a maximum punishment of ten years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment.

The defendant also agrees to plead true to the forfeiture allegation contained in the indictment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

During the summer of 2017, through sources of information and cooperating defendant debriefs, agents with the Billings drug task force learned that Paulson was supplying methamphetamine to distributors in the Billings area. One of those distributors was co-defendant Hendrickson. At about the same time, one of the task force confidential informants advised that he/she could purchase

methamphetamine from Hendrickson.

On August 17, 2017, the confidential informant contacted Hendrickson through Facebook and arranged the purchase of a half-ounce of methamphetamine for \$500. The agents later obtained the Facebook entries. The purchase took place in Billings.

On August 18, 2017, the same confidential informant, through text messages, arranged to purchase one ounce of methamphetamine from Hendrickson for \$900. The purchase took place at Hendrickson's residence in Billings.

On August 23, 2017, the confidential informant attempted to purchase another ounce of methamphetamine from Hendrickson at his home. Agents watching the house followed Hendrickson to another residence. Through text messages, Hendrickson told the confidential informant that he was at his source's residence but that the source was out of methamphetamine and would be traveling to get more methamphetamine soon. The agents identified the source as Paulson.

On August 28, 2017, the same confidential informant purchased one ounce of methamphetamine from Hendrickson for \$800 at his residence.

Agents obtained search warrants for the cell phone provider Verizon Wireless for Paulson's cell phone, and AT&T for Hendrickson's phone. The records showed frequent communication between Hendrickson and Paulson.

On September 12, 2017, agents conducted search warrants at the residences of Hendrickson and Paulson. Agents seized approximately 1.5 ounces of methamphetamine from Hendrickson's residence, and three guns, one stolen. From Paulson's residence, agents seized approximately four ounces of methamphetamine, several rifles, a stolen handgun, and \$1,370 in United States currency.

DATED this 19th day of June, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney